The Minutes

July 15, 2002

C035618 THE PEOPLE v. COROTAN et al. (Not for Publication)

The judgment as to each defendant is affirmed.

MORRISON. J.

I concur: Raye, J.

I concur in the opinion except as to the discussion of express malice, as to which I concur in the result.

Blease, Acting P.J.

C039108 In re EMMANUAL R.; THE PEOPLE v. EMMANUEL R.

(Not for Publication)

The judgment (order committing the minor to the California Youth Authority) is affirmed.

ROBIE, J.

We concur: Scotland, P.J.

Hull, J.

C037154 BABB v. BABB C038228 BY THE COURT:

C038695 Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

July 16, 2002

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Raye, Associate Justice; Robie, Associate Justice; and Facey, Bailiff. Calendar Called.

C038014 THE PEOPLE v. MARTINEZ

Cause called. Victor J. Morse, court appointed counsel, argued for appellant. No appearance was made on behalf of respondent. Cause submitted.

At 9:46 a.m., the court recessed. At 9:52 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Nicholson.

C038457 THE PEOPLE v. RANGER INSURANCE COMPANY

Cause called. E. Alan Nunez argued for appellant. John L. Loomis, county counsel, argued for respondent. Cause submitted.

At 10:18 a.m., the court recessed until 9:30 a.m., Wednesday, July 17, 2002.

The Minutes

July 16, 2002, continued

C030915 THE PEOPLE v. TODD et al.

(Not for Publication)

Defendants' convictions under count 4 are reversed. In all other respects, the judgments as to each defendant are affirmed.

KOLKEY, J.

I concur: Morrison, J.

I concur fully in parts II through VII of the opinion of my colleagues...Accordingly,

I would affirm the judgments.

Scotland, P.J.

C039611

THE PEOPLE v. NUNES

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Robie, J.

C038016

SCOTT VALLEY CITIZENS FOR QUALITY GROWTH et al. v. COUNTY OF SISKIYOU et al. and KIEWIT PACIFIC COMPANY and NASH et al. (Not for Publication)

The judgment is modified to reflect that the parties shall bear their own costs, except that the Nashes are entitled to costs as provided by Code of Civil Procedure section 1033.5, the amount thereof, if any, to be ascertained by motion in the trial court pursuant to California Rules of Court, rules 870 and 870.2.

The judgment is otherwise affirmed.

Respondents shall recover their costs on appeal.

SIMS, Acting P.J.

We concur: Nicholson, J.

Morrison, J.

C036107

In re MICHAEL D.; THE PEOPLE v. MICHAEL D.

(Certified for Publication)

The order sustaining the petition is affirmed. (CERTIFIED FOR PUBLICATION.)

NICHOLSON, J.

We concur: Scotland, P.J.

Morrison, J.

C039925

In re JOSHUA V. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES v. KEVIN V. (Not for Publication)

The order of the juvenile court terminating appellant's parental rights is affirmed.

DAVIS. J.

We concur: Scotland, P.J.

Nicholson, J.

The Minutes

July 16, 2002, continued

C040335 In re TYLER J.; DEPARTMENT OF HEALTH & HUMAN SERVICES v. ANGELA C. (Not for Publication)

The orders of the juvenile court are affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Davis, J.

C040148 In re KEIZJONTE W.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ZIKIA C.

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

July 17, 2002

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Acting Presiding Justice; Nicholson, Associate Justice; Kolkey, Associate Justice; and Guzman, Bailiff. Calendar Called.

C036592 CITY OF RIPON v. SWEETIN et al.

Cause called. Thomas H. Keeling argued for appellant. Thomas H. Terpstra appeared only. Joseph H. Fagundes argued for respondents. Cause submitted.

At 10:09 a.m., the court recessed. At 10:13 a.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Raye and Associate Justice Kolkey.

C038779 RICHMOND AMERICAN HOMES OF NORTHERN CALIFORNIA, INC. v. AIR DESIGN, INC. et al. and KENYON CONSTRUCTION, INC.

Cause called. Stacey F. Blank argued for appellant. Stuart E. Jones argued for respondent. Cause submitted.

At 10:49 a.m., the court recessed. At 10:51 a.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Raye.

The Minutes

July 17, 2002, continued

C030059 GEORGE F. HILLENBRAND, INC., et al. v. INSURANCE COMPANY OF NORTH AMERICA, et al.

Cause called. Robert J. Romero argued for respondents-appellants-cross-respondents. Robert Drane and Bill Miller argued for appellants-respondents-cross-appellants. Cause submitted.

At 11:57 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Morrison.

C038339 JORDAN et al. v. DEPARTMENT OF MOTOR VEHICLES, et al.

Cause called. William S. Dato argued for appellants-cross-respondents Jordan et al. Elwood Lui and Michael J. Cornez, Deputy Attorney General, argued for respondents-cross appellants. Cause submitted.

C038343 STATE OF CALIFORNIA et al. v. ARBITRATION PANEL etc. and JORDAN et al.

Cause called. William S. Dato argued for appellants-cross-respondents Jordan et al. Elwood Lui and Michael J. Cornez, Deputy Attorney General, argued for respondents-cross appellants. Cause submitted.

C038735 ANDAL et al. v. MILBERG WEISS, BERSHAD, HUNES & LERACH et al.

Cause called. Eric S. Norby argued for appellants. William S. Dato argued for respondents. Cause submitted.

At 3:39 p.m., the court recessed. At 3:42 p.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Morrison.

C037224 AUTOMATIC RAIN COMPANY v. McCOLLUM

Cause called. No appearance was made on behalf of appellant as argument was previously waived and approved. A. Robert Rosin argued for respondent. Cause submitted.

At 3:57 p.m., the court recessed until 9:30 a.m., Monday, August 19, 2002.

C037106 THE PEOPLE v. SUMAHIT (Not for Publication)

The judgment (order of recommitment) is affirmed.

DAVIS, J.

I concur: Callahan, J.

I concur in the judgment...I agree with the majority's discussion in Part III. Sims, Acting P.J.

The Minutes

July 17, 2002, continued

C038697 THE PEOPLE v. MORENO

(Not for Publication)

The judgment is modified to impose, in each case (00F10079 and 01F02091), a laboratory analysis fee of \$50 (Health & Saf. Code, § 11372.5), a \$50 penalty assessment (Pen. Code, § 1464), and a \$35 penalty assessment (Gov. Code, § 76000), for a total of \$270 in both cases. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment showing this modification and shall forward a certified copy of the same to the Department of Corrections.

SIMS, Acting P.J.

We concur: Morrison, J.

Callahan, J.

C037523 WESTERN AGGREGATES, INC. v. COUNTY OF YUBA

(Certified for Publication)

The cause is remanded with directions to the trial court to conduct further proceedings as necessary to specify the metes and bounds of the public road, consistent with this opinion. (Sts. & Hy. Code, § 947.) In all other respects, the judgment is affirmed. Western shall pay the County's costs of this appeal.

MORRISON, J.

We concur: Blease, Acting P.J.

Sims, J.

C037645

DEPARTMENT OF FINACE v. COMMISSION ON STATE MANDATES and KERN HIGH SCHOOL DISTRICT et al.

(Certified for Publication)

The judgment is reversed, and this matter is remanded to the Commission for further proceedings consistent with this opinion. Each party will pay its own appellate costs.

DAVIS, Acting P.J.

We concur: Nicholson, J.

Hull, J.

July 18, 2002

C038954 In re ANGELICA L.; TAMARA L. v. KATHLEEN H.

The judgment (order terminating parental rights) is reversed. The order of adoption is vacated.

BLEASE, Acting P.J.

We concur: Raye, J.

Callahan, J.

The Minutes

July 18, 2002, continued

C040696 In re SIENNA M.; HUMAN SERVICES AGENCY v. LAURA S.

C041174 BY THE COURT:

Appellant's request for judicial notice and request for augmentation is denied.

On the court's own motion, the above cases are consolidated. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

The time within which to file appellant's combined opening brief is extended until 30 days after the filing of the augmented record in C040696 with this court or until August 23, 2002, whichever is greater.

SIMS, Acting P.J.

July 19, 2002

C041631 In re RONLAD D. NALLS on Habeas Corpus

BY THE COURT:

The court having examined the notice of appeal and having determined that the order appealed from is nonappealable, the appeal filed July 5, 2002, is dismissed.

SIMS, Acting P.J.